



PATENT

Attorney Docket No. 22311/04013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of: )  
U.S. Patent No. 5,856,121 )  
 )  
Issued: January 5, 1999 )  
 )  
Inventors: David H. GORSKI et al. ) Group Art Unit: 1647  
 )  
Reissue Serial No.: 09/755,320 ) Examiner: Saoud, Christine J  
 )  
Filing Date of Reissue Appln.: January 5, 2001 )

For: GROWTH ARREST HOMEOBOX GENE (AS AMENDED)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

RECEIVED

MAR 08 2004

Sir:

**REISSUE DECLARATION UNDER 37 C.F.R. § 1.175**

We, David H. GORSKI, and Kenneth WALSH, both citizens of the United States with residences and post office addresses as listed below, do hereby state and declare as follows:

1. We believe we are the original joint and first inventors of the subject matter which is described and claimed in United States Patent No. 5,856,121, granted on January 5, 1999, and for which a reissue patent is sought on the invention entitled, "GROWTH ARREST HOMEOBOX GENE."

2. We hereby state that we have reviewed and understand the contents of the above-identified specification, including the original patent claims, and the claims in the Preliminary Amendment filed on January 5, 2001.

**DECLARATION**  
**Reissue Application of Patent No. 5,856,121**  
**Attorney Docket No. 22311/04013**

3. We acknowledge the duty to disclose all information that is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

4. We believe that U.S. Patent No. 5,856,121 is at least partially inoperative or invalid by reason of our claiming more or less than we had a right to claim.

5. An error which is a statutory basis for reissue is that we failed to claim processes for expressing a Gax protein in a host cell. In addition, we failed to include a claim directed to a DNA molecule having nucleotides 749-931 of SEQ ID NO: 1.

6. All errors being corrected in the reissue application up to the time of the filing of the oath and declaration arose without deceptive intention on our, i.e., the applicants, part.

7. We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARATION  
Reissue Application of Patent No. 5,856,121  
Attorney Docket No. 22311/04013

Full Name of First Inventor <b>David H. GORSKI</b>	Inventor's Signature 	Date <b>1/15/04</b>
Residence <del>22 Arrowwood Lane, Pompton Lakes, New Jersey 07442</del>	Citizenship USA	
Post Office Address Same as above		
Full Name of Second Inventor <b>Kenneth WALSH</b>	Inventor's Signature	Date
Residence 207 Judy Farm Road, Carlisle, Massachusetts 01741	Citizenship USA	
Post Office Address Same as above		
Full Name of Third Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		



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**DECLARATION**  
**Reissue Application of Patent No. 5,856,121**  
**Attorney Docket No. 22311/04013**

Full Name of <b>First</b> Inventor <i>David J. GORSKI</i>	Inventor's Signature	Date
Residence 25 Arrowwood Lane, Monmouth Junction, New Jersey 08852	Citizenship USA	
Post Office Address Same as above		
Full Name of <b>Second</b> Inventor <i>Kenneth WALSH</i>	<i>hawthorne</i>	Date <i>2/23/04</i>
Residence 207 Judy Farm Road, Carlisle, Massachusetts 01741	Citizenship USA	
Post Office Address Same as above		
Full Name of <b>Third</b> Inventor	Inventor's Signature	Date
Residence	Citizenship	
Post Office Address		



Practitioner's Docket No. 22311/04013

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Gorski, et al.

Application No.: 09/755,320

Group No.: 1647

Filed: January 5, 2001

Examiner: Saoud, Christine J.

For: **GROWTH ARREST HOMEOBOX GENE**

Patent No.\*: Issued:

*\*Note: Insert name of inventor(s) and title also for patent. Where notification is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.*

**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**

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**MAR 08 2004**

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS**

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**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

deposited with the United States Postal Service with sufficient postage as first class Mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Date: Feb 26, 2004

**FACSIMILE**

transmitted by facsimile to the Patent and Trademark Office.

**Signature**

Wendy A. Frick

**(type or print name of person certifying)**

Applicant hereby states that this application is no longer licensed or optioned to a large entity and therefore is entitled to small entity status.

Date: February 26 2004

Pamela A. Docherty  
(print or type name of person signing)  
Pamela A. Docherty  
Signature

Inventor(s)  
 Assignee of complete interest  
 Person authorized to sign on behalf of assignee  
 Practitioner of record  
 Filed under Rule 34(a)

Registration No.:

(if applicable)

Telephone No. (216) 622-8416

Reg. No.: 40,591

Customer No. 24024

(complete the following if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee

Assignment recorded in PTO \_\_\_\_\_

Reel \_\_\_\_\_ Frame \_\_\_\_\_

*Note:* A statement under 37 C.F.R. § 3.73(b) is not required when the assignee signs a small entity declaration.  
Notice of April 30, 1993, 1150 O.G. 62-64.